

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
SPANSKI ENTERPRISES, INC., :
:
Plaintiff, : 10 Civ. 4933 (ALC)(GWG)
:
v. : **DECLARATION OF JOHN A. PISKORA**
:
TELEWIZJA POLSKA S.A., : **IN SUPPORT OF PLAINTIFF'S MOTION**
:
Defendant. : **FOR PARTIAL SUMMARY JUDGMENT**
:
: **DISMISSING COUNTERCLAIMS**
:
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JOHN A. PISKORA declares under penalties of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney associated with Loeb & Loeb LLP, attorneys for Plaintiff Spanski Enterprises, Inc. ("SEI") in this action. I am fully familiar with the matters asserted herein and respectfully submit this declaration in support of SEI's motion for partial summary judgment, seeking the dismissal of Defendant Telewizja Polska S.A.'s ("TVP") counterclaims, and to place before the Court the following exhibits referenced in the accompanying memorandum of law and Local Rule 56.1 Statement of Undisputed Facts.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff's original Complaint filed in this action, dated June 24, 2010.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's Amended Complaint filed in this action, dated October 1, 2010.

4. Attached hereto as **Exhibit 3** is a true and correct copy of TVP's Answer to Amended Complaint and Counterclaims filed in this action, dated January 26, 2011.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the agreement entered into as between SEI and TVP, dated December 14, 1994 (the “Agreement”).

6. Attached hereto as **Exhibit 5** is a certified English translation of the Agreement (Exh. 4).

7. Attached hereto as **Exhibit 6** is a true and correct copy of the addendum to the Agreement entered into as between SEI and TVP, dated November 4, 1999 (the “First Addendum”).

8. Attached hereto as **Exhibit 7** is a certified English translation of the First Addendum (Exh. 6).

9. Attached hereto as **Exhibit 8** is a true and correct copy of the second addendum to the Agreement entered into as between SEI and TVP, dated April 29, 2002 (the “Second Addendum”).

10. Attached hereto as **Exhibit 9** is a certified English translation of the Second Addendum (Exh. 8).

11. Attached hereto as **Exhibit 10** is a true and correct copy of Plaintiffs’ Complaint, dated February 8, 2007, filed in the action entitled *Spanski Enterprises Inc., et al. v. Telewizja Polska S.A., et al.*; S.D.N.Y. Case No. 07 CIV 930) (hereinafter, the “Prior Action”).

12. Attached hereto as **Exhibit 11** is a true and correct copy of TVP’s Second Amended Answer with Counterclaims, dated January 4, 2008, filed in the Prior Action.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the settlement agreement entered into as between SEI and TVP, dated August 11, 2009 (the “Settlement Agreement”).

14. Attached hereto as **Exhibit 13** is a true and correct copy of TVP's Objections and Responses to Interrogatories, dated September 6, 2011, served in this action.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the December 21, 2011 letter from David S. Wenger (counsel for TVP) to Jonathan Zavín (counsel for SEI).

16. Attached hereto as **Exhibit 15** are true and correct relevant excerpts from the deposition of Maria Nadolna, dated November 9, 2011.

17. Attached hereto as **Exhibit 16** are true and correct relevant excerpts of the Expert Report of Timothy H. Hart, dated April 16, 2012.

18. Attached hereto as **Exhibit 17** are true and correct relevant excerpts from the deposition of Timothy H. Hart, dated June 21, 2012.

19. Attached hereto as **Exhibit 18** are true and correct relevant excerpts of the Expert Report of Gary Arlen, dated April 16, 2012.

20. Attached hereto as **Exhibit 19** are true and correct relevant excerpts from the deposition of Gary Arlen, dated June 5, 2012.

21. Attached hereto as **Exhibit 20** are true and correct relevant excerpts of the Transcript of Proceedings, dated March 16, 2009, in the Prior Action.

I declare under penalties of perjury that the foregoing is true and correct.

Dated: New York, New York
August 15, 2012



JOHN A. PISKORA